109TH CONGRESS H. R. 9 2D SESSION AN ACT To amend the Voting Rights Act of 1965.

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H.R.9

AN ACT

To amend the Voting Rights Act of 1965.

- 1 Be it enacted by the Senate and House of Representa-
- $2\ \ tives\ of\ the\ United\ States\ of\ America\ in\ Congress\ assembled,$

1 SECTION 1. SHORT TITLE.

- This Act may be cited as the "Fannie Lou Hamer,
- 3 Rosa Parks, and Coretta Scott King Voting Rights Act
- 4 Reauthorization and Amendments Act of 2006".

5 SEC. 2. CONGRESSIONAL PURPOSE AND FINDINGS.

- 6 (a) Purpose.—The purpose of this Act is to ensure
- 7 that the right of all citizens to vote, including the right
- 8 to register to vote and cast meaningful votes, is preserved
- 9 and protected as guaranteed by the Constitution.
- 10 (b) FINDINGS.—The Congress finds the following:
- 11 (1) Significant progress has been made in elimi-
- nating first generation barriers experienced by mi-
- nority voters, including increased numbers of reg-
- istered minority voters, minority voter turnout, and
- minority representation in Congress, State legisla-
- tures, and local elected offices. This progress is the
- direct result of the Voting Rights Act of 1965.
- 18 (2) However, vestiges of discrimination in vot-
- ing continue to exist as demonstrated by second gen-
- eration barriers constructed to prevent minority vot-
- ers from fully participating in the electoral process.
- 22 (3) The continued evidence of racially polarized
- voting in each of the jurisdictions covered by the ex-
- piring provisions of the Voting Rights Act of 1965
- demonstrates that racial and language minorities re-

- main politically vulnerable, warranting the continued
 protection of the Voting Rights Act of 1965.
 - (4) Evidence of continued discrimination includes—
 - (A) the hundreds of objections interposed, requests for more information submitted followed by voting changes withdrawn from consideration by jurisdictions covered by the Voting Rights Act of 1965, and section 5 enforcement actions undertaken by the Department of Justice in covered jurisdictions since 1982 that prevented election practices, such as annexation, at-large voting, and the use of multimember districts, from being enacted to dilute minority voting strength;
 - (B) the number of requests for declaratory judgments denied by the United States District Court for the District of Columbia;
 - (C) the continued filing of section 2 cases that originated in covered jurisdictions; and
 - (D) the litigation pursued by the Department of Justice since 1982 to enforce sections 4(e), 4(f)(4), and 203 of such Act to ensure that all language minority citizens have full access to the political process.

- 1 (5) The evidence clearly shows the continued 2 need for Federal oversight in jurisdictions covered 3 by the Voting Rights Act of 1965 since 1982, as 4 demonstrated in the counties certified by the Attor-5 ney General for Federal examiner and observer cov-6 erage and the tens of thousands of Federal observers 7 that have been dispatched to observe elections in 8 covered jurisdictions.
 - (6) The effectiveness of the Voting Rights Act of 1965 has been significantly weakened by the United States Supreme Court decisions in Reno v. Bossier Parish II and Georgia v. Ashcroft, which have misconstrued Congress' original intent in enacting the Voting Rights Act of 1965 and narrowed the protections afforded by section 5 of such Act.
 - (7) Despite the progress made by minorities under the Voting Rights Act of 1965, the evidence before Congress reveals that 40 years has not been a sufficient amount of time to eliminate the vestiges of discrimination following nearly 100 years of disregard for the dictates of the 15th amendment and to ensure that the right of all citizens to vote is protected as guaranteed by the Constitution.
 - (8) Present day discrimination experienced by racial and language minority voters is contained in

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- evidence, including the objections interposed by the
 Department of Justice in covered jurisdictions; the
 section 2 litigation filed to prevent dilutive techniques from adversely affecting minority voters; the
 enforcement actions filed to protect language minorities; and the tens of thousands of Federal observers
 dispatched to monitor polls in jurisdictions covered
 by the Voting Rights Act of 1965.
- 9 (9) The record compiled by Congress dem10 onstrates that, without the continuation of the Vot11 ing Rights Act of 1965 protections, racial and lan12 guage minority citizens will be deprived of the oppor13 tunity to exercise their right to vote, or will have
 14 their votes diluted, undermining the significant gains
 15 made by minorities in the last 40 years.

16 SEC. 3. CHANGES RELATING TO USE OF EXAMINERS AND

- 17 **OBSERVERS.**
- 18 (a) USE OF OBSERVERS.—Section 8 of the Voting 19 Rights Act of 1965 (42 U.S.C. 1973f) is amended to read 20 as follows:
- 21 "Sec. 8. (a) Whenever—
- 22 "(1) a court has authorized the appointment of 23 observers under section 3(a) for a political subdivi-24 sion; or

"(2) the Attorney General certifies with respect to any political subdivision named in, or included within the scope of, determinations made under section 4(b), unless a declaratory judgment has been rendered under section 4(a), that—

"(A) the Attorney General has received written meritorious complaints from residents, elected officials, or civic participation organizations that efforts to deny or abridge the right to vote under the color of law on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2) are likely to occur; or

"(B) in the Attorney General's judgment (considering, among other factors, whether the ratio of nonwhite persons to white persons registered to vote within such subdivision appears to the Attorney General to be reasonably attributable to violations of the 14th or 15th amendment or whether substantial evidence exists that bona fide efforts are being made within such subdivision to comply with the 14th or 15th amendment), the assignment of observers is otherwise necessary to enforce the guarantees of the 14th or 15th amendment;

1	the Director of the Office of Personnel Management
2	shall assign as many observers for such subdivision
3	as the Director may deem appropriate.
4	"(b) Except as provided in subsection (c), such ob-
5	servers shall be assigned, compensated, and separated
6	without regard to the provisions of any statute adminis-
7	tered by the Director of the Office of Personnel Manage-
8	ment, and their service under this Act shall not be consid-
9	ered employment for the purposes of any statute adminis-
10	tered by the Director of the Office of Personnel Manage-
11	ment, except the provisions of section 7324 of title 5
12	United States Code, prohibiting partisan political activity
13	"(c) The Director of the Office of Personnel Manage-
14	ment is authorized to, after consulting the head of the ap-
15	propriate department or agency, designate suitable per-
16	sons in the official service of the United States, with their
17	consent, to serve in these positions.
18	"(d) Observers shall be authorized to—
19	"(1) enter and attend at any place for holding
20	an election in such subdivision for the purpose of ob-
21	serving whether persons who are entitled to vote are
22	being permitted to vote; and
23	"(2) enter and attend at any place for tab-
24	ulating the votes cast at any election held in such

subdivision for the purpose of observing whether

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- 1 votes cast by persons entitled to vote are being prop-
- erly tabulated.
- 3 "(e) Observers shall investigate and report to the At-
- 4 torney General, and if the appointment of observers has
- 5 been authorized pursuant to section 3(a), to the court.".
- 6 (b) Modification of Section 13.—Section 13 of
- 7 the Voting Rights Act of 1965 (42 U.S.C. 1973k) is
- 8 amended to read as follows:
- 9 "Sec. 13. (a) The assignment of observers shall ter-
- 10 minate in any political subdivision of any State—
- "(1) with respect to observers appointed pursu-
- ant to section 8 or with respect to examiners cer-
- tified under this Act before the date of the enact-
- ment of the Fannie Lou Hamer, Rosa Parks, and
- 15 Coretta Scott King Voting Rights Act Reauthoriza-
- tion and Amendments Act of 2006, whenever the At-
- torney General notifies the Director of the Office of
- 18 Personnel Management, or whenever the District
- 19 Court for the District of Columbia determines in an
- action for declaratory judgment brought by any po-
- 21 litical subdivision described in subsection (b), that
- there is no longer reasonable cause to believe that
- persons will be deprived of or denied the right to
- vote on account of race or color, or in contravention

- of the guarantees set forth in section 4(f)(2) in such
- 2 subdivision; and
- 3 "(2) with respect to observers appointed pursu-
- 4 ant to section 3(a), upon order of the authorizing
- 5 court.
- 6 "(b) A political subdivision referred to in subsection
- 7 (a)(1) is one with respect to which the Director of the Cen-
- 8 sus has determined that more than 50 per centum of the
- 9 nonwhite persons of voting age residing therein are reg-
- 10 istered to vote.
- 11 "(c) A political subdivision may petition the Attorney
- 12 General for a termination under subsection (a)(1).".
- 13 (c) Repeal of Sections Relating to Exam-
- 14 INERS.—Sections 6, 7, and 9 of the Voting Rights Act
- 15 of 1965 (42 U.S.C. 1973d, 1973e and 1973g) are re-
- 16 pealed.
- 17 (d) Substitution of References to "Observ-
- 18 ERS" FOR REFERENCES TO "EXAMINERS".—
- 19 (1) Section 3(a) of the Voting Rights Act of
- 20 1965 (42 U.S.C. 1973a(a)) is amended by striking
- 21 "examiners" each place it appears and inserting
- "observers".
- 23 (2) Section 4(a)(1)(C) of the Voting Rights Act
- 24 of 1965 (42 U.S.C. 1973b(a)(1)(C)) is amended by
- inserting "or observers" after "examiners".

1	(3) Section 12(b) of the Voting Rights Act of		
2	1965 (42 U.S.C. 1973j(b)) is amended by striking		
3	"an examiner has been appointed" and inserting "an		
4	observer has been assigned".		
5	(4) Section 12(e) of the Voting Rights Act of		
6	1965 (42 U.S.C. 1973j(e)) is amended—		
7	(A) by striking "examiners" and inserting		
8	"observers"; and		
9	(B) by striking "examiner" each place it		
10	appears and inserting "observer".		
11	(e) Conforming Changes Relating to Section		
12	References.—		
13	(1) Section 4(b) of the Voting Rights Act of		
14	1965 (42 U.S.C. 1973b(b)) is amended by striking		
15	"section 6" and inserting "section 8".		
16	(2) Subsections (a) and (c) of section 12 of the		
17	Voting Rights Act of 1965 (42 U.S.C. 1973j(a) and		
18	1973j(c)) are each amended by striking "7,".		
19	(3) Section 14(b) of the Voting Rights Act of		
20	1965 (42 U.S.C. 1973l(b)) is amended by striking		
21	"or a court of appeals in any proceeding under sec-		
22	tion 9".		
23	SEC. 4. RECONSIDERATION OF SECTION 4 BY CONGRESS.		
24	Paragraphs (7) and (8) of section 4(a) of the Voting		
25	Rights Act of 1965 (42 U.S.C. 1973b(a)) are each amend-		

- 1 ed by striking "Voting Rights Act Amendments of 1982"
- 2 and inserting "Fannie Lou Hamer, Rosa Parks, and
- 3 Coretta Scott King Voting Rights Act Reauthorization
- 4 and Amendments Act of 2006".
- 5 SEC. 5. CRITERIA FOR DECLARATORY JUDGMENT.
- 6 Section 5 of the Voting Rights Act of 1965 (42
- 7 U.S.C. 1973c) is amended—
- 8 (1) by inserting "(a)" before "Whenever";
- 9 (2) by striking "does not have the purpose and
- will not have the effect" and inserting "neither has
- the purpose nor will have the effect"; and
- 12 (3) by adding at the end the following:
- 13 "(b) Any voting qualification or prerequisite to vot-
- 14 ing, or standard, practice, or procedure with respect to
- 15 voting that has the purpose of or will have the effect of
- 16 diminishing the ability of any citizens of the United States
- 17 on account of race or color, or in contravention of the
- 18 guarantees set forth in section 4(f)(2), to elect their pre-
- 19 ferred candidates of choice denies or abridges the right
- 20 to vote within the meaning of subsection (a) of this sec-
- 21 tion.
- 22 "(c) The term 'purpose' in subsections (a) and (b)
- 23 of this section shall include any discriminatory purpose.

- 1 "(d) The purpose of subsection (b) of this section is
- 2 to protect the ability of such citizens to elect their pre-
- 3 ferred candidates of choice.".
- 4 SEC. 6. EXPERT FEES AND OTHER REASONABLE COSTS OF
- 5 LITIGATION.
- 6 Section 14(e) of the Voting Rights Act of 1965 (42
- 7 U.S.C. 1973l(e)) is amended by inserting ", reasonable ex-
- 8 pert fees, and other reasonable litigation expenses" after
- 9 "reasonable attorney's fee".
- 10 SEC. 7. EXTENSION OF BILINGUAL ELECTION REQUIRE-
- 11 MENTS.
- Section 203(b)(1) of the Voting Rights Act of 1965
- 13 (42 U.S.C. 1973aa–1a(b)(1)) is amended by striking
- 14 "2007" and inserting "2032".
- 15 SEC. 8. USE OF AMERICAN COMMUNITY SURVEY CENSUS
- 16 **DATA.**
- 17 Section 203(b)(2)(A) of the Voting Rights Act of
- 18 1965 (42 U.S.C. 1973aa–1a(b)(2)(A)) is amended by
- $19\,$ striking "census data" and inserting "the 2010 American
- 20 Community Survey census data and subsequent American
- 21 Community Survey data in 5-year increments, or com-
- 22 parable census data".
- 23 SEC. 9. STUDY AND REPORT.
- The Comptroller General shall study the implementa-
- 25 tion, effectiveness, and efficiency of the current section

- 1 203 of the Voting Rights Act of 1965 and alternatives
- 2 to the current implementation consistent with that section.
- 3 The Comptroller General shall report the results of that
- 4 study to Congress not later than 1 year after the date
- 5 of the enactment of this Act.

Passed the House of Representatives July 13, 2006. Attest:

Clerk.